

Northeast New Jersey Legal Services, Inc.

A NON PROFIT TAX EXEMPT CORPORATION

Serving Hudson, Bergen and Passaic Counties

574 Summit Avenue · Jersey City, N.J. 07306-2797

(201) 792-6363

FAX (201) 798-8780

FAX (201) 798-8785

TTY (201) 798-6182

President

Jack Jay Wind, Esq.

Executive Director

John H. Fitzgerald, Esq.

Bergen Office:

190 Moore Street

Hackensack, N.J. 07601

Gregory G. Diebold, Esq.

Deputy Director

Jersey City Office

Passaic Office:

152 Market Street

Paterson, N.J. 07505

Please reply to Jersey City office.

May 2, 2013

Ms. Christy Fisher
Office of Program Performance
Legal Services Corporation
3333 K Street NW, 3rd Floor
Washington, DC 20007-3522

Re: Legal Services Corporation
Program Quality Visit Report Draft

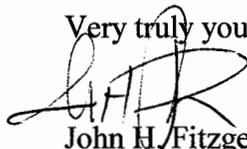
Dear Ms. Fisher:

We want to thank you and your team for your professional approach to your recent site visit and your many constructive comments. We agree with many of your recommendations and will be looking for ways to further improve our services with your comments in mind. We are especially grateful for your many complimentary findings and comments in the report.

We understand that the team's mission is to conduct a comprehensive program performance review of many different issues in a very limited amount of time and that a complete understanding of the program's operation is not possible regarding all issues. With that in mind, we believe that several of the statements and conclusions in the report do not accurately reflect a full understanding of the program's approach to the issue being discussed. The report also makes several general conclusions about the program which are not supported by the facts. In these few instances we ask that the final report's conclusions and findings be deleted or amended. Our specific comments are annexed to this letter.

We want to emphasize again our appreciation for the input of your team as we continue our effort to improve the performance our program.

Very truly yours,



John H. Fitzgerald
Executive Director

LSC Program Quality Visit Draft Report

Northeast New Jersey Legal Services Comments and Response to Draft Report

Northeast New Jersey's Legal Services' (NNJLS) comments correspond to the numbered findings in the LSC Program Quality Visit (PQV) Draft Report. Comments are provided regarding only those findings and recommendations for which the Program has determined that a response is necessary. However, NNJLS has evaluated the entire report and will use the findings and recommendations in its efforts to assure that it is providing the highest quality services in the most appropriate and cost effective manner possible.

Finding 1 – Needs Assessment:

NNJLS recently completed a comprehensive need assessment process. We will continue to consider ways to improve the process during future needs assessments.

Finding 3 – Strategic Planning:

NNJLS is currently involved in a comprehensive strategic planning process and is in overall agreement with the recommendation.

Finding 4 – Evaluation of Legal Work:

As noted during the site visit, NNJLS already surveys participants in its clinics and will continue to do so.

Finding 5 – Access:

NNJLS is very cognizant of client and employee safety and continues to look for cost-effective ways to improve security. However, NNJLS has already installed security systems

in its offices, restricted access to inner offices, has a security guard on site in one office and has security policies in place for the entire program.

Finding 6 – Intake System:

The report concludes that the program’s intake process is inefficient and difficult for applicants to use. The report’s conclusion is not supported either by the facts or by the description of the intake system in the report. In fact, the report does not state why the current intake system is inefficient or how it is difficult to use. NNJLS asserts that the system is both very efficient and easy to use and the conclusion as stated in the draft report should be deleted or amended in the final report.

It is possible that in the short time allowed for the visit the review team did not fully understand how the intake screening system operates. This may be a result of the fact that the system seeks to combine both telephone and in-person intake instead of relying solely on one type of intake system or the other. NNJLS’s Intake System has as its core principles minimizing client wait times and completing the intake eligibility screening process accurately and efficiently. NNJLS’ system first provides for in-person intake screenings for individuals who must be seen in person due to either the complexity or emergent nature of their legal problem. In-person intake screening is also necessary so that applicants can sign eligibility documents required by LSC. The program uses telephone intake screenings for less urgent advice and brief service matters.

The system has proven to be very cost-effective allowing the program to reduce the number of intake personnel from twelve full-time equivalent staff (FTE) scattered over three offices to the current seven staff members, three of whom serve as receptionists in the three offices. Intake screening is accomplished much more quickly and the number of screenings the intake unit accomplishes in a day has increased. The accuracy and consistency of the intake has

also improved significantly, as has the ability to supervise the intake unit. Most importantly, it has significantly reduced client wait times.

The report refers to intake as a multi-step process, the implication being that clients have to go through a number of steps in order to receive assistance. This statement is not true and also indicates that the review team did not fully understand the system. While it is not clear exactly what “steps” the report is referring to, the only steps in the process for in-person intake other than the intake screening is the “prescreening” in which potential applicants are asked a few quick general questions to make sure they will likely be financially eligible, that no conflict exists and that they have a legal problem within NNJLS’s priorities. This procedure is designed to avoid having applicants wait to be screened only to find out after they have completed the process that they are not eligible. Contrary to the implication in the report, this is a strength of the system, not a deficiency.

Another advantage of the intake system it is that applicants with lower priority legal problems are screened over the telephone. This is done so applicants don’t have to travel to the office and so that the time devoted to their screening does not conflict with that devoted to applicants with higher priority and more complicated legal problems. Telephone intake screenings are initiated by scheduling a telephone intake screening appointment. These are scheduled in blocks at times of the day when there are fewer in-person intakes. This has the benefit of spreading intake screening activities throughout the day, further reducing client wait times and allowing the intake unit to operate more efficiently. If eligible, a telephone interview with an attorney is scheduled for the applicant. This allows attorneys to manage their time more efficiently. The alternative is to have attorneys “on-call” for these lower priority cases immediately after the completion of intake screening. This would be inefficient because it is difficult to predict which type of case or from which office an eligible applicant will need advice. It could result in an attorney not having any telephone advice cases at all or having several

potential clients waiting for assistance at the same time. While the telephone intake process is a two “step” process, it is both efficient for the attorneys and reduces the time applicants wait on the phone for assistance.

The report notes that some applicants could wait as long as six days to be interviewed by an attorney. In fact, individuals with the most urgent legal problems are screened and interviewed by an attorney the same day. Individuals with important legal problems that do not require immediate action are seen on the next regular intake day for the particular unit which could be the same day or up to several days later. While in the past most units conducted intake four days per week, that is no longer possible due to funding cuts and resulting staff reductions. Intake days are less frequent than in the past because there are fewer attorneys to cover intake, not because the intake system is inefficient or difficult to use. Despite this, only in very unusual situations, such as when there are unanticipated absences by staff, or if an applicant has a low priority legal problem and will receive only telephone advice, will applicants wait longer than several days for the first interview with an attorney. Even then, each work day is considered an emergent intake day so there is an attorney available to review the matter and determine if it can wait for the next intake day or not. As a result, no applicant will wait longer than they need to in order to receive assistance. Again this flexibility is a strength of the system, not a weakness.

The report also states that intakes are not regularly reviewed. The statement is incorrect. After completion, all intakes are reviewed for specific errors or omissions by the staff attorney assigned to the matter and the intake supervisor is immediately notified of any deficiencies. Attorneys also conduct file audits each quarter in which all intakes, as well as actions taken since the case was opened, are reviewed again using Legal Server. These procedures assure a very high degree of accuracy and consistency.

The report recommends that intake screening staff provide “simple routine advice” over the phone. This comment, while appearing simple, would require the re-training all intake

personnel, most of whom do not have legal training, and would also significantly lengthen the intake screening process. This, in turn, would require more intake personnel. NNJLS is currently operating with the minimum number of support staff so the report's recommendation would require reducing the number of attorneys in order to increase the size of the intake unit. It is also unlikely that more intake screenings can be accomplished using the telephone because of LSC requirements regarding signed documentation. While NNJLS continually seeks ways to streamline and improve its intake system and will do so again during the strategic planning process, the current system has proven very efficient and substantial changes are not warranted.

Other intake recommendations are also problematic. The report recommends that more back up assistance be provided for receptionists. In fact there is already adequate support for receptionists. Problems do occur when multiple staff members are unexpectedly out of the office for long periods of time which was the case prior to the LSC site visit, but otherwise the system works efficiently and effectively.

NNJLS also notes that all staff already have and use MS Outlook Calendars as well as program-wide intake and unit calendars. NNJLS will continue to explore ways to improve these calendar systems. In addition, the Program already solicits input via surveys from applicants for service, not just clients.

Finding 7 – Language Access Needs:

While NNJLS has already taken a number of steps in this area, it plans to translate even more printed program materials into additional languages. NNJLS will also ensure that all staff understand and follow its translation policies.

Finding 9 – Access to Information:

The report concludes that the client population cannot easily access information about the program or its services. The conclusion is incorrect and should be deleted or amended in the final report. This statement is not supported by the facts or the statements in the report. The conclusion appears to be based solely on the fact that NNJLS does not have its own website or Facebook page and instead relies on the statewide Legal Services of New Jersey (LSNJ) website, where the NNJLS web page may not be as user friendly as it could be.

NNJLS agrees with the report's recommendations regarding developing a website and will to try and address them. However, the conclusion that information about the program is not easily accessible is incorrect. The program has undertaken extensive efforts through outreach, publications, CLE, the media, and community group participation to inform the community about the services we offer. In addition, Legal Services of New Jersey plays an important role in this regard on behalf of all New Jersey programs. Their activities include outreach, publications, media relations, and operation of the LSNJ statewide hotline and LSNJ website. In fact, NNJLS is very well known in the communities it serves and information about the program is easily available from many different sources.

Finding 11 – Basic Work Structure:

NNJLS acknowledges that supervision in an era of tremendous downsizing has been and remains a challenge. NNJLS previously had 11 unit supervisors plus 4 program-wide supervisors in its three offices and is now down to just the four program-wide supervisors, each expected to supervise the legal work of their units in all three program offices, as well as maintain a caseload. However, a number of the statements and conclusions in the report in this regard are incorrect. First, the report states that there is little formal oversight of much of the program's legal work. This statement is incorrect and fails to acknowledge the many activities

performed by the Executive Director, Director of Litigation, supervisors and managers. The conclusion should be removed or amended in the final report. The statement appears to be based on the fact that NNJLS does not have case review meetings in which every case is reviewed and discussed with a supervisor prior to acceptance by the attorney, and does not conduct a review of every case at closing. While both of those statements are true, it is inaccurate to conclude from those two facts that there is little supervision. NNJLS asserts that there is, given the circumstances, an appropriate level of supervision.

First, NNJLS has very specific and detailed case acceptance guidelines for each type of case accepted by the program. The guidelines specifically define what types of cases the program will accept, which it will not, and which should be dealt with in person and which will receive telephone advice. The guidelines were developed by the members of each unit and are amended each year as client problems and program resources change. The guidelines provide a high degree of confidence that attorneys are making appropriate case acceptance decisions. In addition, attorneys routinely consult with supervisors regarding case acceptance in those cases where the need for legal representation may not be clear. As a result, the guidelines and case acceptance procedures remove the need for individual case reviews for each case prior to acceptance.

Next, supervision of staff attorneys is also appropriate under the circumstances. NNJLS conducts monthly managers meetings in which reports stating the numbers of open, opened, closed, and extended representation cases for each attorney are reviewed and discussed. Supervisors also discuss cases with staff attorneys daily and conduct very thorough performance reviews, including extensive file reviews as part of the performance review. Supervisors conduct program-wide case handler meetings and participate in the quarterly file audits of all cases. They also review all briefs and significant pleadings and discuss possible appeals in every case in which an adverse court decision is rendered. Staff attorneys also prepare and submit Quarterly

Attorney Reports which describe their most important cases and activities. As a result of all of their supervisory activities, NNJLS attorney supervisors are very familiar with the work of each attorney in their unit. In the few instances where a higher level of supervision has been necessary, the need has been identified quickly and increased supervision provided.

It is also important to note that NNJLS has a highly experienced attorney staff that does not require the same level of supervision as might expected with a less experienced staff. The average NNJLS attorney has twenty one years of experience. The attorney with the least experience has been with the program for seven years. Most NNJLS staff attorneys would be supervisors themselves if they were employed by other legal services programs.

As the report correctly states, there is at times a significant variation among attorneys in both the number of open cases and the number opened each year. However, the report does not take into account that the attorneys are in different units handling very different cases. For example the number of cases each attorney in the Family unit handles will vary significantly from the number handled in the Public Benefits unit. It also does not take into account the very high level of productivity of many staff attorneys and supervisors. While NNJLS recognizes that an analysis of case numbers has value and that proper caseload and case processing management is important, NNJLS staff attorneys have as their first objective the provision of high quality legal services that are appropriate to each case. This may result in some variations in case numbers among attorneys. However, NNJLS's system of case acceptance and supervision provides a high degree of confidence that cases are being administered properly and that caseloads are appropriate.

While the conclusion in the report that there is little supervision is inaccurate, NNJLS continues to seek ways to improve its supervision given its limited resources. In this regard NNJLS is reviewing ways to increase the number of files reviewed. NNJLS is also on target to complete a revision of its case management procedures handbook by summer 2013. As Legal

Server becomes fully functional, it will increasingly be used by managers as a supervisory tool. And while each office currently has an adequate tickler system, NNJLS will work to improve it and make it uniform throughout the program. NNJLS will also work to more effectively coordinate and target its CLE activities.

Finding 12- Training:

The report characterizes training as ad hoc and unmanaged. Again this broad negative characterization does not follow from either the facts or from the description of training in the report itself. The conclusion should be deleted or amended in the final report. LSNJ notifies all staff of each of the numerous trainings they conduct so staff is well informed about the wide variety of trainings available. In addition, supervisors routinely suggest trainings to staff. Since all training must be reviewed and approved by a supervisor, they are thoroughly familiar with and able to manage the trainings attended by staff. NNJLS also conducts in-house trainings in ethics, computer case management and legal services regulatory compliance. It is important to note that New Jersey's mandatory continuing legal education requirements compel all attorneys to attend 24 hours of training every two years including a required ethics component. Therefore there is no need for NNJLS to impose its own mandatory CLE requirements. The report also fails to recognize that the training needs of a program with a highly experienced staff are very different than one with an inexperienced staff. Most NNJLS staff do not require extensive training. In fact, they are frequently called upon to conduct trainings for LSNJ, the New Jersey Institute for Continuing Legal Education, local bar associations and others. These factors combine to assure that all staff receives training that is both appropriate and sufficient to guarantee that they remain thoroughly familiar with all issues relevant to their practice.

Finding 19 – Management Structure:

The report concludes that the management structure appears cumbersome but it does not clearly state why the team came to that conclusion. It appears to be based in part on the program's organizational chart and the fact that some staff reported that they were not clear who their supervisor was or that they had several supervisors. NNJLS will review its organizational chart to see if improvements are possible and make certain that the lines of authority are clear to all staff.

The report also notes that some staff expressed concerns about their involvement in the decisions of the program. NNJLS agrees that substantial input from staff is desirable. However, there are currently a number of activities taking place which afford such opportunities. Staff meetings are held, at which staff are encouraged to express their concerns and suggestions. Program wide unit meetings are also held in which substantive legal issues, decisions about case acceptance policies, and other important issues are discussed and decisions made. The program has implemented several other initiatives for which staff input was actively sought. Within the last year, the Executive Director met with each attorney individually. During these meetings the state of the program was discussed as well as concerns or suggestions the attorneys may have. The Director held similar meetings with all support staff in small groups. Staff volunteers were actively recruited for the Priority Setting Committee. To encourage more direct contact between the staff and Board, staff attorneys are asked to give presentations about their work at each Board meeting. The Strategic Planning Committee, comprised of Board members, managers, staff attorneys and support staff, will provide an important opportunity for staff to give input which may impact the direction of the program. In addition, as part of the strategic planning process, all staff was asked to complete a confidential questionnaire providing input regarding all aspects of the program's performance. Finally, the report fails to note that as a unionized Program, some

topics are inappropriate for a general discussion with staff, such as the terms and conditions of employment, and are necessarily limited to discussions with union leadership.

The report also notes that some staff felt there were times when they were not shown sufficient respect. The Program has experienced a period of downsizing during which there were layoffs, many changes in job duties as well as significant salary and benefit reductions. While these changes have been very difficult, all employees have adapted to them in a highly professional and responsible manner. The Program repeatedly emphasizes the need for positive and constructive interaction between support staff, attorneys, and managers and when issues arise they are dealt with quickly and effectively. The Program will continue to maintain open lines of communication and assure that interaction among all employees remains positive, respectful and constructive.

LSC also recommends that the former individual unit supervisors, as distinct from program wide supervisors, be used to provide additional supervision of staff attorneys. Again this may sound logical but becomes impractical when considering the program's actual circumstances. All but two of the eleven former unit supervisors either no longer work for the program or are no longer in a position to provide supervision because they are not assigned to the same unit or are in a one-person unit. One of the two remaining unit supervisors continues to actively assist in the supervision of the work of two half-time attorneys in his unit but the other works in an office which already has a program-wide supervisor managing the unit. If the units regain their former numbers, a supervisor in each unit is preferable. However, given the program's current circumstances, doing so now is impractical and unwarranted.

As suggested in the draft report, NNJLS will consider holding a retreat if funding permits. The strategic planning process would be a good focus for such a retreat. NNJLS will also review its Emergency Plan in light of its experience with Hurricane Sandy. However, it notes that the Program and staff were able to adapt to the highly unusual and extreme conditions

created by Hurricane Sandy and resume operations in just three days. The Program was able to communicate with staff during the crisis and staff was able to get to work and resume providing services to clients as soon as it was safe to do so and was permitted by public officials. In all, NNJLS asserts its response to Hurricane Sandy was exceptional.

Finding 20 – Technology:

NNJLS will continue to work jointly with LSNJ to fully implement Legal Server. In this regard it is important to note that LSNJ developed separate training videos on all aspects of Legal Server use and all NNJLS staff were required to view the videos online. In addition, NNJLS has conducted an on-site Legal Server training in each office which all staff were required to attend. NNJLS will continue to identify areas where training is required and provide it.

Finding 24 – Development:

Contrary to the impression left by the draft report, the program actively pursues additional funding from a variety of new sources every year. Despite that, NNJLS agrees that more should be done. However, it also notes that undertaking even more development activities requires hiring additional development personnel. Despite its limited funding, the Program will consider doing so. NNJLS also notes that it will work cooperatively with LSNJ to enhance the local component of the statewide Campaign for Justice.